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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,745	06/19/2000	Carl J. Kraenzel	LOT9 2000 0011 US1	3997

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EXAMINER
WINTERS, MAREISHA N

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/596,745	KRAENZEL ET AL.	
	Examiner	Art Unit	
	Mareisha N. Winters	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *19 June 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☒ Claim(s) *7 and 17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 June 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application, by application number and filing date, is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the citizenship of each inventor. Specifically, the citizenship of Carl J. Kraenzel is omitted. Appropriate correction is required.

Drawings

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

3. The references to related applications, on pages 1 and 2 of the specification, are missing the appropriate serial numbers and filing dates. Appropriate correction is required.

Claim Objections

4. Claim 7 is objected to because of the following informality: line 6, the phrase "to query *waid* user", should be --to query *said* user--. Appropriate correction is required.

5. Claim 17 is objected to because of the following informalities: line 1, the phrase "comprising the *seps* of", should be --comprising the *steps* of--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,473,800 to Jerger et al.

Jerger et al. discloses a system for a web based trust model governing delivery of services and programs from a workflow, enterprise and mail-enabled application server and platform, as claimed in claim 1, comprising:

a connection protocol connecting a user client to a server site (see column 1, lines 41-44); download utilities responsive to said connection protocol for downloading said services and programs from said server site to said user client (see column 3, lines 15-16); and trust assignment user interface dialogs responsive to said connection protocol for advising said user of risks taken when accepting executable download from said server site (see Fig. 5B and column 2, lines 27-31 and 36-38 and column 19, lines 66-67 and column 20, lines 1-6).

In reference to claim 2, Jerger et al. discloses said connection protocol selectively being HTTP or HTTPS (see Fig. 4B, "433" and column 18, lines 8-10 and column 17, lines 61-66).

In reference to claim 3, Jerger et al. discloses the system further comprising:

a processor for establishing security context (see column 14, lines 52-54), said processor including:

a stage 1 processor for determining from said user if said server site is to be trusted (see column 14, lines 54-57 and 64-67); and

a stage 2 processor for establishing whether or not the identity of said web site is confirmed and determining from said user if processing should continue to include installation of programs on said client (see column 20, lines 2-11).

In reference to claim 4, Jerger et al. discloses the system further comprising:

a client download page (see column 3, lines 29-32);

a download control element in said download page (see column 3, lines 29-32);

said processor being activated upon activation of said download control element within said download page initiating a download process first to establish a security context and then to download program executable files (see column 3, lines 32-37).

In reference to claim 5, Jerger et al. discloses the system further comprising:

said download utilities being responsive to an SSL connection to said server for activating said dialog to advise said user that said server site has been verified as being what it represents itself to be and to query said user whether code is to be downloaded from said server site to said client (see column 18, lines 13-16 and Fig. 4B, "433" and column 20, lines 2-11).

In reference to claim 6, Jerger et al. discloses said code being custom code (see Fig. 5B).

In reference to claim 7, Jerger et al. discloses said download utilities being responsive to a connection from said client to said server being other than SSL for activating said dialog to advise said user that said server site has not been verified as being what it represents itself to be

and to query said user whether code is to be downloaded from said server site to said client (see column 22, lines 13-14 and lines59-60).

In reference to claim 8, Jerger et al. discloses said code being custom code (see Fig. 5B).

In reference to claim 9, Jerger et al. discloses the system further comprising:

said download utilities being responsive to user acceptance of download from said server site of executable code for downloading said executable code to said client (see column 18, lines 27-28 and Fig. 5B); and

a trace utility for identifying originators of downloaded code (see column 22, lines 9-13).

In reference to claim 10, Jerger et al. further discloses said trace utility selectively identifying originators of signed agents through electronic signature, of custom code traceable to code vendor through web site relationship, or custom code directly created by said web site (see column 22, lines 9-13).

In reference to claim 11, Jerger et al. discloses the system further comprising:

a first trust model for establishing level of traceable accountability for a subscription at download time over a secure connection protocol (see column 23, lines 33-37 and 47-50);

a second trust model for establishing a reduced level of traceable accountability, with traceable accountability established only for electronically signed agents used by said subscription over a connection protocol not verified as secure (see column 24, lines 35-42); and

said dialogs being responsive to said trust models (see Fig. 5B, "510").

Jerger et al. discloses a method for governing delivery of services and programs from a workflow, enterprise and mail-enabled application server and platform according to a web based trust model, as claimed in claim 12, comprising the steps of:

establishing a connection protocol between a client and a web site (see column 1, lines 41-44);

responsive to said connection protocol, determining a trust level assignable to said web site relative to risks taken when accepting executable download from said web site (see column 14, lines 49-52 and column 16, lines 41-50);

advising a user at said client of said trust level assignable with respect to said risks to said web site (see column 2, lines 27-31 and 36-38 and Fig. 5B); and

responsive to user acceptance of said risks, downloading said services and programs from a server site to said user client (see column 20, lines 5-6; Note that if the user selects "yes" the operation, i.e. downloading services and programs, is to be performed.).

In considering claim 13, Jerger et al. discloses the method further comprising the steps of:

displaying a download control element in a client download page (see column 3, lines 29-32);

responsive to user selection of said download control element or upon schedule, initiating a download process first to establish a security context and then to download program executable files from said server (see column 3, lines 32-37).

In considering claim 14, Jerger et al. discloses the method further comprising the step of responsive to user acceptance of download from said server site of executable code, downloading said executable code to said client (see column 18, lines 27-28 and Fig. 5B).

In considering claim 15, Jerger et al. discloses the method further comprising the step of identifying originators of downloaded code (see column 22, lines 9-13).

In considering claim 16, Jerger et al. discloses the method further comprising the step of selectively identifying originators of signed agents through electronic signature, of custom code traceable to code vendor through web site relationship, or custom code directly created by said web site (see column 22, lines 9-13).

In considering claim 17, Jerger et al. discloses the method further comprising the steps of:

establishing a first trust model specifying a level of traceable accountability for a subscription at download time over a secure connection protocol (see column 23, lines 33-37 and 47-50);

establishing a second trust model for specifying a reduced level of traceable accountability, with traceable accountability established only for electronically signed agents used by said subscription over a connection protocol not verified as secure (see column 24, lines 35-42); and

said dialogs being responsive to said trust models (see Fig. 5B, "510").

Jerger et al. discloses a program storage device readable by a machine, tangibly embodying a program of instructions executable by a machine to perform method steps for governing delivery of services and programs from a workflow, enterprise and mail enabled application server and platform according to a web based trust model, as claimed in claim 18, said method steps comprising:

establishing a connection protocol between a client and a web site (see column 1, lines 41-44);

responsive to said connection protocol, determining a trust level assignable to said web site relative to risks taken when accepting executable download from said web site (see column 14, lines 49-52 and column 16, lines 41-50);

advising a user at said client of said trust level assignable with respect to said risks to said web site (see column 2, lines 27-31 and 36-68 and Fig. 5B); and

responsive to user acceptance of said risks, downloading said services and programs from a server site to said user client (see column 20, lines 5-6; Note that if the user selects "yes" the operation, i.e. downloading services and programs, is to be performed.).

Jerger et al. discloses a computer program product configured to be operable to govern delivery of services and programs from a workflow, enterprise and mail-enabled application server and platform according to a web based trust model, as claimed in claim 19, according to the steps of:

establishing a connection protocol between a client and a web site (see column 1, lines 41-44;

responsive to said connection protocol, determining a trust level assignable to said web site relative to risks taken when accepting executable download from said web site (see column 14, lines 49-52 and column 16, lines 41-50);

advising a user at said client of said trust level assignable with respect to said risks to said web site (see column 2, lines 27-31 and 36-38 and Fig. 5B); and

responsive to user acceptance of said risks, downloading said services and programs from a server site to said user client (see column 20, lines 5-6; Note that if the user selects "yes" the operation, i.e. downloading services and programs, is to be performed.).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,088,803 to Tso et al.

U.S. Patent No. 6,154,844 to Touboul et al.

U.S. Patent No. 6,367,012 to Atkinson et al.

U.S. Patent No. 6,499,109 to Balasubramaniam et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mareisha N. Winters whose telephone number is (703) 305-7838. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for official communications, (703) 746-7240 for non-official communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.

mnw

mnw
Mareisha N. Winters
Patent Examiner
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January 25, 2003

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